

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WYSONG CORPORATION,

Plaintiff,

Case No. 16-11821

v.

APN, INCORPORATED,

Defendant.

WYSONG CORPORATION,

Plaintiff,

Case No. 16-11823

v.

BIG HEART PET BRANDS, and
JM SMUCKER COMPANY,

Defendants.

WYSONG CORPORATION,

Plaintiff,

Case No. 16-11825

v.

HILL'S PET NUTRITION, INCORPORATED,

Defendant.

WYSONG CORPORATION,

Plaintiff,

Case No. 16-11826

v.

MARS PETCARE US, INCORPORATED,

Defendant.

WYSONG CORPORATION,

Plaintiff,

Case No. 16-11827

v.

NESTLE PURINA PETCARE COMPANY,

Defendant.

WYSONG CORPORATION,

Plaintiff,

Case No. 16-11832

v.

WAL-MART STORES, INCORPORATED,

Defendant.

ORDER ON RULE 12 MOTIONS

On May 23, 2016, Plaintiff Wysong Corporation (“Wysong”) filed all of the above-captioned civil actions in the Northern Division of this Court. The actions were subsequently re-assigned to judges in the Southern Division. On August 2,

2016, the Court entered an Order temporarily consolidating all of the actions for the purposes of resolving any motions that Defendants wished to file under either under Rule 12(b) or Rule 12(c) of the Federal Rules of Civil Procedure.

The Court convened a telephonic status conference with counsel for all parties on August 11, 2016. During that conference, the Court discussed a procedure and schedule with respect to the motions. As described during the status conference, **IT IS HEREBY ORDERED** that:

- By no later than **August 31, 2016**, counsel for any Defendant wishing to file a motion under either Rule 12(b) or Rule 12(c) of the Federal Rules of Civil Procedure (who has not already filed such a motion) shall personally consult with Wysong's counsel and provide Wysong's counsel the specific grounds for its motion. This consultation shall be in lieu of actually filing the motion. The purpose of the consultation is for the Defendant(s) to point out to Wysong's counsel the legal deficiencies that the Defendant(s) believe(s) to exist in the Complaint and to give Wysong's counsel an opportunity to attempt to address those deficiencies through an Amended Complaint.
- By no later than **September 21, 2016**, Wysong shall file a First Amended Complaint in each of the above-captioned actions.
- Defendants shall file their motions under either Rule 12(b) or Rule 12(c) of the Federal Rules of Civil Procedure by no later than **October 21, 2016**.

Defendants shall consult with one another and select one Defendant to file a “lead” motion and brief. That “lead” filing shall not exceed 35 pages. Each Defendant not filing the “lead” motion and brief may file an individual “supplemental brief.” These supplemental briefs shall not exceed 20 pages and shall focus on the factual allegations and legal arguments specific to the filing Defendant. The “supplemental” briefs shall not repeat the background facts, law, and argument common to all Defendants.

- Wysong shall file a single, consolidated response to Defendants’ motions by no later than **November 21, 2016**. Wysong’s consolidated response brief shall not exceed 50 pages.
- Defendants shall file individual reply briefs by no later than **December 9, 2016**. These briefs shall not exceed 7 pages each.
- All briefs shall be filed in 14-point font and shall otherwise comply with the Court’s Local Rules concerning the format for motions and briefs.

If the parties have any questions about the above-described procedure or schedule, they are encouraged to contact the Court through its Case Manager.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 16, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 16, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113